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ABSTRACT

The University of California Regents have instituted a "Comprehensive Review" system for admission that purports to consider the whole student instead of merely grades and test scores. An examination of the Comprehensive Review reveals a back door attempt to reinstate racial preferences in college admission, a practice the Regents banned in 1996 and the voters nabbed in Proposition 209. Comprehensive Review will further degrade standards and achievement by sacrificing academic excellence to political correctness and a narrow concept of diversity. Under Comprehensive Review, students are judged on 14 criteria, and campuses are free to emphasize any of these criteria, to any degree. The University of California, Berkeley, has been testing a comprehensive review since 1998. Under this system, Comprehensive Review means that Black and Latino students can be admitted with academic credentials far lower than their White and Asian counterparts. The personal essay will be the decisive factor in determining who gains admission to the university system's most competitive campuses, and essay scoring is marked by ambiguity in scoring methods and uncertainty about who actually wrote the essay. At the University of California, Los Angeles, students receive a "Life Challenges" score which can be used as a proxy for achievement. There are legal problems associated with the Comprehensive Review process, and it is apparent that admission reform in the University of California system is being driven by diversity and identity politics. (Contains 27 endnotes.) (SLD)

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# BRIEFING

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# Preferences Versus Preparation

## UC Regents Return to Race-Based Admissions

by Matt Cox

April, 2002

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## Introduction

The University of California Regents have instituted a "Comprehensive Review" system for admissions, one purporting to consider the whole student instead of only grades and test scores. An examination of Comprehensive Review, however, reveals a backdoor attempt to reinstate racial preferences in college admissions, a practice the UC Regents themselves rejected in 1996, and since banned by the voter-approved Proposition 209. Comprehensive Review will also further degrade standards and achievement by sacrificing academic excellence to political correctness and a narrow concept of diversity.

## Defining Down Excellence

California's master plan for education provides a place in higher education for every student, whether in the University of California, the Cal State University system, or the state's network of community colleges. The plan does not, however, guarantee any student a place at the top. The state reserves the nine-campus University of California system for the top 12.5 percent of its graduating high-school classes. This group is determined by a combination of high-school grades and SAT scores.

Out of that 12.5 percent, individual schools select a freshman class using a "two-tier" system. Tier one is selected using academic criteria, primarily grades on required classes and SAT scores. Between 50 and 75 percent of each freshman class is admitted using tier one.

Tier two students are judged using supplemental criteria such as family income, completion of special projects, geographic area of secondary school, and "life experiences and special circumstances." These criteria give administrators considerable latitude but, evidently unsatisfied with the demographics yielded by the two-tier process, they have hatched three new admission plans.

Eligibility in the Local Context (ELC) and Dual Track Admissions now effectively make UC-eligible not only the aforementioned top 12.5 percent of California students, but also the top 12.5 percent from each of the state's high schools. While denying that this will run afoul of Proposition 209, simulations indicate that 34 to 36 percent of the "Dual Track" pool will be "under-represented" minorities – black, Latino, and Native American.[1] This figure contrasts with the current UC eligibility pool that is 12 percent under-represented minority, and the community college transfer pool, which is 18 percent minority.[2]

The concept of "underrepresented" groups is based on the idea that the student body at the University of California should break down into the same ethnic and racial proportions as the general population. A number of variables make this expectation unrealistic. Statistical disparities among groups are the rule, not the exception. The call for strict proportionality, under the banner of "diversity," fails to account for personal differences, effort, and choice. But Comprehensive Review, the third prong of the new plan, aims to ensure that UC Berkeley and UCLA retain the politically correct proportions of ethnicities.

## Comprehensive Review

Pressured by the legislature's Latino caucus, which claimed that the UC system was inhospitable to black and Latino students, the regents in May repealed SP-1, a race-neutral admissions and hiring policy adopted in 1996.[3] Although largely symbolic because Proposition 209 wrote the same strictures into the state constitution, the repeal manifested the Regents' stance concerning race and admissions.

SP-1 had lowered the number of black and Latino students attending the prestigious and ultra-competitive Berkeley and UCLA campuses, though not at other UC schools. But rather than keeping the bar high and helping students to compete academically for those coveted seats, the Regents chose to lower the bar through Comprehensive Review.

The traditional, two-tier approach used the following criteria to select students.

### Tier I: Academic Criteria

1. High school grade point average in UC-required courses
2. Standardized test scores
3. Number of, content of, and performance in academic courses completed beyond the university's minimum eligibility requirements
4. Number of, and performance in, honors and AP courses
5. Being identified as "eligible in the local context" by ranking in the top 4 percent of the high school class, as determined by the university's academic criteria
6. Quality of the senior year program, as measured by the type and number of academic courses in progress or planned
7. Quality of academic performance relative to educational opportunities available in the applicant's school
8. Outstanding performance in one or more academic subject areas
9. Outstanding work in one or more special projects in any academic field
10. Recent marked improvement in academic performance

### Tier II: Supplemental Criteria

11. Special talents, achievements, and awards in a particular field, or experiences that demonstrate unusual promise for leadership or ability to contribute to the intellectual vitality of the campus
12. Completion of special projects that offer significant evidence of an applicant's special effort and determination or that may indicate special suitability to an academic program on a specific campus
13. Academic accomplishments in light of an applicant's life experiences and special circumstances, such as disabilities, low family income, first gener-

ation to attend college, need to work, disadvantaged social or educational environment, difficult personal and family situations or circumstances, refugee status or veteran status

14. Location of the applicant's secondary school and residence, to provide for geographic diversity in the student population and to account for the wide variety of educational environments existing in California[4]

Now, under Comprehensive Review, all students are judged on all 14 criteria and the campuses are free to emphasize any of these criteria, to any degree. Theoretically, under the new policy, a campus could eschew all academic performance criteria in favor of supplemental criteria.[5] UC Berkeley does not apply fixed weights to any single factor, making it impossible to discern why one student gained admission instead of another or why any particular student got in at all.

## UC Berkeley and Comprehensive Review

UC Berkeley has been testing a Comprehensive Review system since 1998. Under the Berkeley regime, Comprehensive Review means that black and Latino students can be admitted with academic credentials far lower than their white and Asian counterparts.

For example, in the fall 2000 freshman class, Latino students who scored between 900–999 on the SAT I had about a 20-percent chance of being admitted.[6] Asian and white students needed to score between 1200–1299 to have the same 20-percent chance.[7] Black students in the 900-999 range had about a 16-percent admission rate, and blacks and Latinos maintained enormous advantages over whites and Asians in other SAT ranges.[8]

Under Comprehensive Review, Latino and black students with grade-point averages between 3.7 and 3.9 were admitted to Berkeley's 2000 class at roughly 15 percent and 26 percent, respectively.[9] Whites and Asians needed GPAs over 4.0 to have a 15-percent chance for admission.[10] By any standard, the admissions criteria are separate and unequal.

**Table 1: Berkeley Admissions Data, Fall 2000**

| Berkeley | Total | Without SAT II | Admissions rate |
|---|---|---|---|
| Asian | 7397 | 6714 | 29.4 % |
| Black | 6800 | 6227 | 28.4 % |
| Hispanic | 7059 | 6380 | 27.5 % |
| White | 7400 | 6724 | 30.2 % |

Source: David Benjamin, "UC 2000: What the Statistics Reveal about Comprehensive Review and the Second Language Advantage." [11]

Berkeley's overall admission figures for fall 2000 make it difficult to see Comprehensive Review as anything other than a plan to engineer the ethnic composition of the campus. The following table evaluates the university's freshmen for that year using the 8000-point index traditionally used to rank the top tier of admissions.

## Reader Bias and Reliability

The personal essay will now be the decisive factor in determining who gains admission to the UC's most competitive campuses. Potential authors of such essays include the student, a parent, or an internet archive. Scoring the essay is also highly variable. Brad Thayer of National Computer Systems, the nation's largest test scoring firm, notes that 100 teachers, even if given a guide, will score an essay differently. Some will grade more heavily on grammar, others on content.[12]

SAT scores, at least, are not subject to these ambiguities. Yet admissions readers will be asked to return reliable, unbiased decisions using essays as their guidelines. The new system supplies students an incentive to manufacture hardships in order to secure a coveted slot at Berkeley or UCLA. And although UC admissions officers deny that a misery list will be effective, the testimony of two Regents indicates otherwise.

Regents Peter Preuss and John Moores witnessed a politicized process where coming from a low-performing or mostly minority high school made admissions staff look favorably on an applicant. Preuss, who sat in on "norming" sessions at UC Irvine, where admissions staff discuss and implement any changes in admission policy, noted that every seasonal "normer" (they made up about half of the admissions staff) at Irvine was otherwise employed at the University Outreach program, an organization whose entire focus is bringing more "under-represented" minorities to campus.[13] Preuss's call for eliminating this bias, or appearance of bias, and for greater reader training, was ignored in the vote.

Regent Moores noted that the readers were completely aware of school demographics and viewed each application through that lens.[14] He claimed that readers became visibly excited by stories and achievements of students in "bad" high schools.[15]

## UCLA and "Life Challenges"

UCLA readers are spared some of the guesswork that must plague their Berkeley counterparts who do not assign standard weight to any single criteria, academic or otherwise. UCLA provides their admission readers a crib sheet, as noted in Table 2.

The components for this table were selected in large part based on research by UCLA psychology Professor Patricia Greenfield and were intended to produce the "highest yield" of under-represented minorities.[16] Where in the past only the Tier II students were looked at through this veil, now all UCLA applicants will be judged on hand-picked challenges.

**Table 2: Life Challenges for Fall 2001—Computer Generated Points**

| Economic (max = 2) | Points | Single Parent (max = 1) | Points |
|---|---|---|---|
| Income/Exemptions Meet Fee Waiver Criteria | 1 | From Single Parent Family or Single Parent Themselves | 1 |
| Low Income Occupation Bonus | 1 | | |
| Parent Education (max = 3) | | Non-Traditional (max = 1) | |
| Neither Parent High School Grad | 3 | Applicant >= 25 years old | 1 |
| Neither Parent Attend 4 yr. College | 2 | School Attendance (max = 1) | |
| Neither Parent 4 yr. College Grad. | 1 | OTL <= .30 and apps > = 20 | 1 |
| Either Parent 4 yr. College Grad. | 0 | Rural | 1 |
| Parent Education Unknown | 0 | Total (max = 9) | |

Source: *UCLA Daily Bruin Online*, Monday, November 5, 2001.[17]

Not surprisingly, the higher a student's "life challenges" score, the easier it is to get into UCLA. In a phone conversation with the author, UCLA admissions officer Kate Jakeway-Kelly initially denied that the score did anything other than "provide the reader with a context" to look at academic achievement, and claimed that the score did not provide an advantage to a student.[18] When pressed as to why the measure was calculated if it had no meaning, Jakeway-Kelly conceded that a higher score would indeed benefit an applicant.[19]

In light of the UCLA admissions numbers cited in Table 3, she could have said little else.

Providing students who have truly overcome adversity with the opportunity to excel is a good idea, but this program does not accomplish that goal. It mines data to identify a

**Table 3: Effect of "Life Challenges" Scores on UCLA Admissions**

| Academic Rank 1 to 1.8 (top) | Admitted | Denied | Academic Ranks 2 to 3 (Mid range) | Admitted | Denied |
|---|---|---|---|---|---|
| Low Life Challenge | 4,676 | 372 | Low Life Challenge | 961 | 4,375 |
| High Life Challenge | 490 | 0 | High Life Challenge | 1,110 | 7 |

Source: Minority Report on Undergraduate Admissions Decision-making at UCLA, October 11, 2001.[20]

certain segment of particular ethnic groups, and uses the results as a proxy for achievement. The criteria are unrelated to potential success at UCLA or with traditional definitions of merit.

Longstanding opponents of racial preferences see Comprehensive Review as a way to circumvent the law.

## Legal Problems

At the November 14, 2001 Regents' meeting, Regent Ward Connerly bluntly stated that the plan was launched to affect the racial composition of UC.[21] He was only half-right. ELC and Dual Track are going to change the ethnic makeup of students across the system. Comprehensive Review will change the ethnic percentages at UC Berkeley and UCLA, the system's two most competitive campuses.

Legally, Comprehensive Review will defy both state and federal law. Title VI of the Civil Rights Law of 1964 demands that no one face discrimination in any program receiving federal funding. Sharon L. Browne, a lawyer with the Pacific Legal Foundation, using the criteria set forth in the U.S. Supreme Court's *Arlington Heights* decision, outlines the legal sandbar on which Comprehensive Review will certainly founder.

Ms. Browne details how the admissions plan meets all five *Arlington* conditions for discrimination[22], with two of the violations particularly apparent. The Regents rammed this proposal through without the usual deliberation that marks that body, to the extent that the admissions rules for fall 2002 students were changed in middle of the application process.[23] Also, as the tables above indicate, the plan is already treating similarly qualified students far differently. A white or Asian applicant "would almost certainly be successful" in a disparate treatment lawsuit under conditions such as those at Berkeley.[24]

UC administrators cannot counter by arguing that Comprehensive Review selects students based on the university's desire for campus diversity. The recent *Hi-Voltage Wire Works, Inc. v. City of San Jose*, 24 Cal, 4th at 567, in Ms. Browne's words, "makes clear that there is no 'diversity' exception to Proposition 209's prohibition against race discrimination or preference."[25]

## Toward A Better Way

Admission reform at UC is being driven not by academic excellence but diversity and identity politics. UC leaders have shown themselves willing to ignore research on student performance and SAT validity, and to flout the will of the people expressed in Prop. 209. The UC regents have buckled to political pressure and rushed to implement a system that will lower standards. Despite intentions and rhetoric, such a system will not help minority students and is a disservice to all.

The Regents should scrap Comprehensive Review as soon as possible. The two-tier system already afforded admissions committees the chance to tweak the ethnic mix of a

particular campus by evaluating the "whole student" but still rewarded the highest achievers. As regent David Lee asked, if the University of California is already the best public university system in the country, why change it?[26] What does need to change is the way California prepares students for college. No scheme of racial preferences can substitute for adequate preparation.

While California's higher-education system is generally regarded as a success, the K–12 system is a failure, ranking near the bottom despite increased spending. The state's fourth graders recently ranked last out of all the states in the nationwide NAEP science test. The eighth graders managed to eke out a last place tie with Hawaii. Math and reading results are similarly dismal.[27] The problem is not one of money.

California must stop the destructive practice of social promotion and discard the faddish student-centered teaching methods that have failed to boost student achievement and left many unfit for either college or employment. The K–12 system must implement tougher standards, for both students and teachers, and offer more college preparatory courses. High expectations must replace excuses. Legislators should expand charter schools and parental choice, moves that will also increase accountability.

Such reforms will not find favor with the state's education establishment. But they will help get the University of California out of the remedial education business. Improving K–12 education will also help all students, particularly minorities, face the challenge of California's most demanding campuses.

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## Notes

1. "Questions and Answers about the Proposed 'Dual Admissions' Plan," University of California office of the President. http://ucop.edu/ucophome/pres/comments/dualq&a.html.
2. *Ibid.*
3. Peter Schrag, "UC's Admission Reform—Merit in a Political Context," *Sacramento Bee*, October 24, 2001.
4. University of California, Office of the President, Office of Strategic Communications, facts about the University of California, November, 2001. www.ucop.edu/news/factsheets/2001/compReview.pdf.
5. Author's notes from 12/12/01 telephone conversation with UCLA admissions officer Kate Jakeway-Kelly.
6. David Benjamin, "UC 2000: What the Statistics Reveal about Comprehensive Review and the Second Language Advantage," unpublished paper. Statistics compiled using University of California Office of the President documents, "University of California Application, Admission and Enrollment of California Resident Freshmen for Fall 2001, 2000, and 1999," and "SAT and High School GPA by Campus and Race/Ethnicity."
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*

11. *Ibid.* Total = (GPA capped at 4.0) x 1000 + SAT I verbal and math + SAT II verbal, math, and 3rd subject.
12. "Can Essay Tests Really Make the Grade?," *Los Angeles Times*, December 31, 1997: p. A24.
13. Author's Notes From 14 November 2001 University of California Regents meeting, San Francisco, CA.
14. *Ibid.*
15. *Ibid.*
16. Lyle Bachman and Duncan Lindsey, "Current System Doesn't Help Diversity," *UCLA Daily Bruin Online*, November 5, 2001. www.dailybruin.ucla.edu/db/articles.asp?ID=17123.
17. *Ibid.*
18. Author's notes from 12/07/2001 telephone conversation with UCLA admissions officer Kate Jakeway-Kelly.
19. *Ibid.*
20. Lyle Bachman and Duncan Lindsey, "Minority Report on Undergraduate Decision-making," October 11, 2001, Internal UC document. A copy of this report is available from PRI at mcox@pacificresearch.org.
21. Author's notes from November 14, 2001 Regents' meeting, *op. cit.*
22. Sharon L. Browne, "The University of California's Proposed 'Comprehensive Review' Admissions Plan," presented to the University of California Regents, November 14, 2001. See Village of *Arlington Heights v. Metro Housing Development Corp.*, 429 U.S 252 (1977) for the five relevant factors.
23. *Ibid.*
24. *Ibid.*
25. *Ibid.*
26. Author's notes from November 14, 2001 Regents' meeting, *op. cit.*
27. For complete report of NAEP scores see: http://nces.ed.gov/index.html.

## About the Author

Matt Cox is a public policy fellow in PRI's Center for School Reform. He writes on current education issues, including school choice, standards and accountability, and charter schools.

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